

**Remarks/Arguments:**

**Amendments:**

Support for the amendments to claim 1 is found on page 9, line 24, to page 10, line 4, of the substitute specification; page 10, lines 11-14, of the substitute specification; page 10, line 27, to page 11, line 4, of the substitute specification; and in original claim 25. Claim 25 has been canceled. It is submitted that no new matter is introduced by this amendment.

**Restriction Requirement**

In response to the Restriction Requirement of March 4, 2008, in which the Examiner required that the claims of either Group I, claims 1-15, drawn to a device, or the claims of Group II, claims 16-25, drawn to a method for using the device, be elected for prosecution, applicants elect to prosecute the claims of Group I, claims 1-15, drawn to a device. This election is made with traverse.

Applicants traverse the restriction requirement for the following reasons. The claims of Group I, claims 1-15, are drawn to a device. The claims of Group II, claims 16-25, are drawn to a method of using the device. The Office alleges that the claims of Group I and Group II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical feature. The Office position is that the device is anticipated by May, WO 88/08534 ("May") and, therefore, the claims do not relate to a single general inventive concept. Restriction Requirement, page 2, lines 9-13. This position is respectfully traversed.

The Office alleges that May discloses a device having a plurality of detection zones arranged in parallel. Restriction Requirement, page 2, lines 19-20. This assertion is respectfully traversed. Disclosure of this feature is missing from the disclosure of May. May, page 11, lines 1-17, the passage relied on by the Office, disclose a "plurality of detection zones arranged in series on the porous solid phase material." May, page 11, lines 22-23 (emphasis added).

Anticipation requires that each and every limitation of the claim be disclosed, either expressly or under principles of inherency, in a single prior art reference. *In re Robertson*,

49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Absence from the reference of any claimed limitation negates anticipation. *Rowe v. Dror*, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997). Inherency requires that the missing descriptive material be necessarily present, not merely probably or possibly present, in the prior art. *Rosco, Inc. v. Mirror Lite Co.*, 64 USPQ2d 1676, 1680 (Fed. Cir. 2002). Disclosure of a device having a plurality of detection zones arranged in parallel is missing from May. Therefore the subject matter of claim 1 is not anticipated by May.

Because, for the reasons stated above, the device claimed in applicants' claims 1-15 is not anticipated by May, the claims of Group I and Group II contain the same or a corresponding technical feature and, therefore, relate to a single general inventive concept under PCT Rule 13.1. The restriction requirement is improper and should be withdrawn.

#### **Co-Pending Application**

The Examiner's attention is called to co-pending application Serial No. 10/563,659, "Device and Method for Simultaneously Identifying Blood Group Antigens", pending in Group Art Unit 1641, Examiner Bao Thul L Nguyen.

The Examiner is invited to phone applicant's attorney if it is believed that a telephonic or personal interview would expedite prosecution of the application.

Respectfully submitted,

  
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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.